

**FILED****UNITED STATES DISTRICT COURT**  
for the

Western District of Texas

United States of America

v.

Adrian CATHEY

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Case No. 1:21-MJ-900-ML

November 2, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY: *[Signature]*

DEPUTY

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 13, 2021 in the county of Bastrop in the  
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. 841(a)(1)	Possession with intent to distribute methamphetamine
18 U.S.C. 924(c)	Possession of firearm in furtherance of drug trafficking

This criminal complaint is based on these facts:

On or about October 13, 2021, in the Western District of Texas, Def. Adrian CATHEY was in possession of ~186.5 gms of suspected methamphetamine, other illegal substances, & items commonly utilized to distribute drugs, and a Smith & Wesson, model SW40VE, .40 caliber, pistol, serial #RBD3845, in furtherance of drug trafficking which had been shipped and transported in interstate or foreign commerce, in violation of 21 U.S.C. § 841(a)(1) & 18 U.S.C. § 924(c).

Continued on the attached sheet.



Complainant's signature

ATF TFO Fonzie Johnson

Printed name and title

Signed and sworn to me via telephone pursuant to Federal Rule of Criminal Procedure 4.1.



Judge's signature

Date: 11/02/2021City and state: Austin, Texas

Mark Lane, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

1. I, Fonzie Johnson, am a Federal Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). My Task Force Officer position derives from my employment, and primary assignment, as an Austin Police Department Detective, assigned to Investigations 1, Robbery Unit. I have been a commissioned peace officer with the Austin Police Department for over nineteen years and hold a Master Peace Officer certification.
2. During my tenure with the Austin Police Department, I have participated in investigations of hundreds of offenses, including robberies, murders, burglaries, kidnappings, assaults, thefts, as well as financial crimes, and both State and Federal firearms crimes.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and law enforcement officers, including information contained in Bastrop County Sheriff's Office General Offense (GO) reports #2021-04651, and 2021-04885. This affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant. It does not include all of my knowledge about this matter.
4. During the week of October 4, 2021, through October 13, 2021, deputies with the Bastrop County Sheriff's Office (BCSO) focused enforcements actions on the area of North Main Street and Highway 40, Bastrop County, Texas, specifically the "Piney Lounge" located at 123 Highway 40, for the sales of narcotics. During that period of time, BCSO deputies conducted traffic stops on vehicles leaving the area after only staying in the area for a few minutes. Highway 40 has only one way in and one way out, allowing deputies to observe cars entering the area and leaving after a brief stay. During these stops deputies seized illegal narcotics to include marijuana, methamphetamines, THC products, and cocaine. During interviews conducted during the traffic stops, the subjects admitted to purchasing the illegal narcotics from "Piney Lounge" either in the actual lounge or from vehicles in the parking lot.
5. On October 13, 2021, BCSO Deputy Luke Werner was driving on Highway 40 towards the Piney Lounge when he observed a gray four door sedan parked in the west side of the parking lot. BCSO Deputy Werner observed the vehicle to be occupied, with the driver's side window down, and backed into a parking space. Later the same day, at approximately 1:00 P.M., BCSO Deputy Werner again drove down Highway 40 towards the Piney Lounge and observed a black Ford Escape in the parking lot. BCSO Deputy Werner was also able to see the occupant of the vehicle at the window of the gray four door sedan. The subject was reaching into the open window of the gray four door sedan (occupied by a black male, wearing a white tee shirt and glasses) and reacted to Deputy Werner's presence by jumping and staring in his direction. BCSO Deputy Werner, based on over nine (9) years of Law enforcement experience, to include five (5) years working in Austin Police Department's Organized Crime Division, recognized the manners of this exchange were consistent with a narcotics transaction. The transaction was also consistent with the statements of several of the occupants of vehicles stopped, with narcotics, over the previous ten (10) days.
6. BCSO Deputy Werner notified BCSO Deputies Thomas Consentino and John Mickelson of his observations as well as the description of the driver and vehicle who was purchasing narcotics. BCSO Deputy Consentino located the vehicle on North Main Street and conducted a stop on the vehicle. The driver matched the description BCSO Deputy Werner provided and ultimately admitted to purchasing marijuana from the gray four door sedan at the Piney Lounge. When

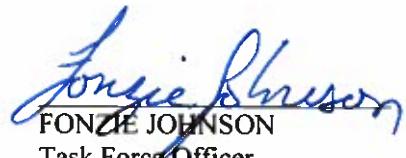
asked for details of the vehicle, he stated "it was the vehicle the other deputy saw me at." He also stated that he bought from a skinny, black male wearing a white t-shirt.

7. Based on the above-mentioned observations, the previous stops from the location, and the statements of the subject stopped, BCSO Deputy Werner made the decision to stop and detain the parked vehicle and the occupant based on reasonable suspicion of criminal activity, specifically the sale and delivery of narcotics, and that the location of the suspect vehicle was in a parking lot open to the public. BCSO deputies were assembled and moved in on the four-door sedan. Due to past arrests at this location and the presence of guns, all subjects in the vicinity of the suspect car were detained for the safety of law enforcement personnel. The suspect vehicle was identified as a 2007 Blue / Gray Mazda with Texas license plate #CG1L192, and the driver was identified as Adrian CATHEY, a black male, born on September 13, 1990. CATHEY was of skinny build and wore a white t-shirt and glasses. Once the scene was secure, BCSO Deputy Werner retrieved his Narcotics K9 "Ciga" and conducted a "free air sniff" around the Mazda resulting in a positive alert on the driver's side door.
8. BCSO Deputy Werner then searched the Mazda based on probable cause locating a large sum of US Currency inside the center console. The denominations of the bills were consistent with street level narcotics purchases consisting of smaller bills to include \$1.00, \$5.00, \$10.00, and \$20.00 bills. The final amount of money located in the center console was \$562.00. BCSO Deputy Werner then located a black backpack in the passenger floorboard of the Mazda, which he removed from the Mazda to search. Inside the black backpack, BCSO Deputy Werner located two (2) large clear plastic bags that contained a leafy green substance that he recognized as marijuana (7.66 ounces), a box of empty plastic bags, a scale with residue, one separated small clear bag containing numerous multi-colored, multi-shaped pills, and large plastic shopping bag containing numerous bags of the same shape and colored pills (186.5 grams total, tested positive for methamphetamine). BCSO Deputy Werner also located a silver over black handgun in the same large pocket of the backpack as the above identified items. The silver handgun was a Smith and Wesson, SW40VE, .40 caliber, pistol, with serial #RBD3845, and was found to be stolen out of BCSO (Case 15-S-02621, NIC G383477478). CATHEY was placed in custody for the above items located in the Mazda that he was in the driver's seat of and the sole occupant of.
9. Based on BCSO Deputy Werners's observations, the numerous traffic stops in the area, and the evidence seized, CATHEY was arrested and charged with Manufacture / Delivery of a Controlled Substance PG1 Felony 1 (186.5 grams), Possession of Marijuana-SJF more than 4 ounces and less the 5 lbs., and Possession of a Stolen Firearm (Theft of Firearm).
10. Later, on October 13, 2021, after CATHEY was arrested and transported to the Bastrop County Jail, CATHEY was placed in an interview room where BCSO Investigator Randy McMillan advised CATHEY of his Miranda rights. CATHEY verbally acknowledged he understood these rights and signed a Miranda card. Your affiant was present during the interview. During the interview CATHEY stated he does drugs, that he was a "druggie." CATHEY denied selling drugs, but said he was addicted to them. CATHEY admitted to buying the gun approximately a year ago from a young, black male, from out of town, approximately seventeen or eighteen years old, who he claimed not to know. CATHEY said he was addicted to the pills. Affiant asked CATHEY about who sells guns in the community and CATHEY stated he did not know, and he had his gun which he had purchased from a youngster for \$100.00 or \$150.00 over a year ago.
11. Based on my training and experience, I know that 186.5 grams of methamphetamine is more than what is considered a user amount of methamphetamine and indicates an intent to distribute. Based

on that, the other drug related items in CATHEY's possession (bags and scales), and the overall narcotics investigation, I believe CATHEY possessed the methamphetamine with the intent to distribute it.

12. The October 13, 2021 possession of 186.5 grams of methamphetamine by Adrian CATHEY, with a stolen firearm which he admitted was his, in the same pocket as that of the methamphetamine and related drug trafficking items, was a violation of 21 U.S.C. § 841 and 18 U.S.C. § 924(c).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

  
FONZIE JOHNSON  
Task Force Officer  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives (ATF)

Submitted by reliable electronic means, sworn to telephonically, and signed electronically pursuant to Federal Rule of Criminal Procedure 4.1 on November 2, 2021.

  
MARK LANE  
United States Magistrate Judge  
Western District of Texas